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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,498	09/14/2000	Almoor M. Shivji	005100.P004	8758

7590

10/13/2004

CIENA Corporation  
1201 Winterson Road  
Linthicum, MD 21090

EXAMINER
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NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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7590 05/30/2003

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# Office Action Summary

Application No.

09/661,498

Applicant(s)

SHIVJI ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 11-12 and 14 are rejected under 35 U.S.C. 102(e or a) as being anticipated by Garg (US 2002/0131442) or Garg (EP 1001648).

Regarding claim 11, Garg discloses a method of receiving a multiple stream of bits (Fig 7, Ref 702 is multiplexer for receiving a multiple bits stream) and selecting at least one bits from a stream of bits based, at least in part, on a space control register value and time control register value (Fig 7, Ref 702 and 710 used to select at least one bit from the bit stream based one 5 bit rail selection value “space control register value” and 5 bit slot selection value “time control register value”).

Regarding claim 12, Garg discloses the space control register value indicating a selected stream of data from a plurality of streams of data (Fig 7, Ref 702 uses the input value of 5 bit rail selection for selecting the bits from the multiple bits stream for output to the latch 710).

Regarding claim 14, Garg discloses the time control register value indicating at least one bits from a selected stream of data (Fig 7, Ref 708 uses the input value of 5 bit slot selection for selecting the bits from selected stream for inputting into the latch 710).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 10, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg (US 20020131442) or Garg (EP 1001648).

Regarding claim 1, Garg discloses a circuit comprising a multiplexer (Fig 7, Ref 702) which has an input for receiving space control register value to control the multiplexer (Fig 7, 5 bit rail selection) and a latch (Fig 7, Ref 710) coupled to receive a signal from the multiplexer and a control circuit coupled to control the latch, the control circuit to select at least one bits from stream of bits output by the multiplexer (Fig 7, Ref 708). Garg does not fully disclose a space control register. However, it would have been obvious to one of ordinary skill in the art to apply a register for storing the value because it is well known and expected in the art to use a register to store a value for controlling a multiplexer.

Regarding claim 2-5, Garg does not disclose the multiplexer comprising a plurality of multiplexers such as a first, second, third, fourth multiplexer are 8:1 and fifth multiplexer is 6:1 wherein the input of fifth multiplexer coupled to the output of first, second, third and fourth

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multiplexer. However, it would have been obvious to one of ordinary skill in the art to cascade four 8:1 multiplexer to one 6:1 multiplexer to obtain 32:1 multiplexer because it is well known and expected in the art to cascade the multiplexers. The motivation would have been to increase the input stream to the switch core.

Regarding claim 7, Garg discloses the control circuit comprising a time control register value for indicating a selected bit from a sequence of bits (Fig 7, Ref 5 bit slot selection) and a counter to count bits in the sequence of bits from a predetermined bit (Fig 7, Ref counter) and a comparator for comparing the value of the counter and the value of time control register for generating a load signal to enable the latch to store the value output by the multiplexer (Fig 7, Ref 708). However, Garg does not disclose the time control register for storing the value of time control register. Therefore, it would have been obvious to one of ordinary skill in the art to apply a register for storing the value because it is well known and expected in the art to use a register to store a value for using to compare with another value to generate an output value.

Regarding claim 10, Garg does not disclose the multiplexer receiving the logical values to generate alarm signal. However, Garg discloses a space and time switch for carrying the SONET signal that is implicitly disclosed the logical values for using to generate alarm signals.

Regarding claims 6, 13 and 15, Garg does not disclose the space/time control register value being programmable. However, it would have been obvious to one of ordinary skill in the art to implement a value which is stored in the register to be programmable and programmable register is well known and expected in the art. It is a designer choice. The motivation would have been to allow the manufacture to setup the value according to the network.

5. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg (US/EP) in view of Irwin (USP 5841771).

Regarding claims 8-9, Garg discloses a second multiplexer for receiving a signal output by the latch (Fig 8, Ref 802) and a second control circuit to control the second multiplexer (Fig 8, Ref 10 bit control for selection which is received from a control circuit). However, Garg does not disclose a second multiplexer coupled to receive an output signal by another circuit and a second latch coupled to receive a signal output by the second multiplexer. In the same field of endeavor, Irwin discloses a second multiplexer coupled to receive an output signal by another circuit and a second latch coupled to receive a signal output by the second multiplexer (Fig 13, Ref 706 is a second multiplexer for receiving out signals from 703 and 615 and for coupling to second latch 617).

Since, Garg suggest the output of first latch is coupled to a second multiplexer having an input for receiving a output from control circuit. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a second multiplexer coupled to receive an output signal by another circuit and a second latch coupled to receive a signal output by the second multiplexer as disclosed by Irwin into Garg's system. The motivation would have been to simultaneously read out the data from storage to reduce transmission delay.

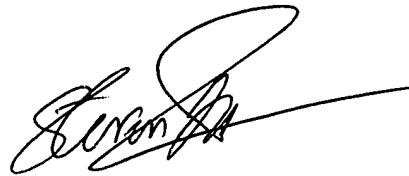
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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Steven HD Nguyen', with a long horizontal flourish extending to the right.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
May 23, 2003